HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.1446 /2006

Petitioner : Navin Tandon S/o Shri Bhagirathi Tandon, Aged about 33 years, President Zila Panchayat, Dhamtari, Distt. Dhamtari, R/o Village Ratna Bandha, Dhamtari, Distt. Dhamtari (C.G.)

Versus

Respondents

1. State of Chhattisgarh – Through the Secretary, Panchayat Avam Gramin Vikash Vibhag, DKS Bhawan, Raipur (C.G.)
2. The Director, Panchayat Avan Samaj Sewa Directorate, Mahanadi Block DKS Bhawan, Raipur (C.G.)
3. Zila Panchayat, Dhamtari – Through its Chief Executive Officer, Dhamtari, Distt. Dhamtari (C.G.)
4. Janpad Panchayat, Dhamtari – Through its Chief Executive Officer, Janpad Panchayat, Dhamtari, Distt. Dhamtari (C.G.)
5. Shri Khublal Kurre, S/o Late Shri Lakru Kurre, Member, Zila Panchayat, Dhamtari, R/o Village Bangoli, Post Bagod, Block Kurud, Distt. Dhamtari (C.G.)
6. Shri Ajay Chandrakar, the Hon'ble Minister, Panchayat Avam Gramin Vikash Vibhag, Secretariat, DKS Bhawan, Raipur (C.G.)
7. Ashok Kumar Sahu S/o Late Daya Ram Sahu, R/o Village-Korra, Block-Kurud, District-Dhamtari (C.G.)
8. Jhuli Bai Sahu, W/o Rewa Ram Sahu, R/o Village-Chataud, Post Darba, Block-Kurud, District-Dhamtari (C.G.)
9. Khileshwari Kiran, W/o Jalem Singh, R/o Village-Bhanpuri, District-Dhamtari (C.G.)
10. Guljar Singh Markam, S/o Late Maya Ram, R/o Village-Gahansiyar, District-Dhamtari (C.G.)
11. Binda Netam, W/o Sadharam, R/o Village-Jaipali, District-Dhamtari (C.G.)
12. Devendra Chandrakar, S/o Arjun

Chandrakar, R/o Village-Bushrenga, District-Dhamtari (C.G.)

13. Premin Sahu, W/o Kuleshwar Sahu, R/o Village-Kandul District-Dhamtari (C.G.)

14. Kripa Ram Sahu, S/o Shikam Sahu, R/o Village-Magariod, District-Dhamtari (C.G.)

Present : Shri P. Diwaker, learned Sr. Advocate with Shri Kunal Das, learned counsel for the petitioner.
Shri Vinay Harit, learned Dy. A.G. for respondents 1 to 4.
Shri Vinay Harit, learned Sr. Advocate with Smt. Preeti Budhia and Shri N.K. Shrivastava, learned counsel for respondents 5 and 6.
Shri Prateek Sharma, learned counsel for the interveners.

ORAL ORDER
(Passed on 20.6.2006)

When this writ petition was presented, the only substantial question that arose for decision was whether the notice dated 17.03.2006 of the meeting convened on 24.03.2006 to consider no confidence motion submitted by the respondents 5 & 7 to 14 was in conformity with sub Rule-3 of Rule 3 of Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994 (for short "the Niyam"). When this matter was heard on earlier occasion on 28.04.2006, on behalf of the respondents, it was submitted that *de hors* the stand taken by the respondents, the respondents would give clear seven days notice and conduct the meeting to consider the no confidence motion moved against the petitioner. Today, at the time of hearing, it was brought to my notice that accordingly, by giving clear seven days notice, no confidence motion submitted by respondents 5 and 7 to 14 was carried out against the petitioner. It was also brought to my notice that against the order of this Court on 28.04.2006, the petitioner had preferred SLP under

Article 136 of the Constitution and the Apex Court dismissed the same. In view of these developments, the legal question noticed above has become hypothetical. There is no need to decide the said legal question in the present proceeding. That question is left open to be decided in an appropriate case. Writ petition is dismissed. No costs.

Sd/-
Chief Justice